

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW RYAN PETTIT,

Defendant.

CR 13–14–BU–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 2, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Matthew Ryan Pettit’s guilty

plea after Pettit appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of the possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2), as set forth in the Superseding Information. Defendant further agrees and admits to the forfeiture of the two items of personal electronic equipment identified in the Superseding Information. Finally, in exchange for Defendant's plea, the United States has agreed to dismiss the Indictment previously filed in this matter.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 30), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Matthew Ryan Pettit's motion to change plea (Doc. 22) is GRANTED.

DATED this 6th day of February, 2014.



Dana L. Christensen, Chief District Judge
United States District Court